

REMARKS/ARGUMENTS

Claims 36-45, 47, and 48 are pending in this application, of which claims 36, 47, and 48 are independent. Claims 36-37 and 38-45 are amended, while new claims 47 and 48 are added. Claim 46 is hereby canceled. No new matter has been added.

The courtesies extended to Applicant's representative by Examiner Jeffrey R. Swearingen at the interview held on January 22, 2009, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

REJECTION UNDER 35 U.S.C. § 112

On pages 4-5, the Office Action rejects claim 46 under 35 U.S.C. § 112, first paragraph, for being a single means claim. In response, Applicant hereby cancels claim 46 without prejudice to or disclaimer of the subject matter previously recited therein. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 46 under 35 U.S.C. § 112, first paragraph.

REJECTIONS UNDER 35 U.S.C. § 103(A)

On pages 2-3, the Office Action rejects claims 36-46 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,269,663 to Beier et al. (hereinafter "Beier") in view of U.S. Patent No. 6,084,855 to Sorinsuo et al. (hereinafter "Sorinsuo"). Applicant respectfully traverses this rejection for the reasons listed below.

As amended, independent claim 36 now recites, in part, the following subject matter: "adding an unpredictable flow mark to the particular traffic flow when said extension headers are constantly changing" (emphasis added). This subject matter finds support in the specification, for example, in paragraph [0022]. When a flow is unpredictable, the cached data would be likely to be incorrect, so it would be more efficient to traverse the extension headers serially, instead of in parallel. Moreover, it would be unnecessary to update the cache for unpredictable flows.

As agreed during the interview on January 22, 2009, the publications of record do not disclose, suggest, or teach this subject matter. Beier and Sorinsuo are silent regarding compensation for unpredictable flows. Therefore, Applicant respectfully submits that independent claim 36 is allowable over the references of record.

Claims 37-45 depend from independent claim 36. Thus, claims 37-45 are allowable based at least upon their respective dependencies from allowable independent claims. Applicant hereby cancels claim 46 without prejudice or disclaimer of its subject matter.

For at least the foregoing reasons, Applicant respectfully requests that the rejection of claims 36-46 under 35 U.S.C. § 103 be withdrawn.

NEWLY ADDED CLAIMS 47 AND 48

Newly added independent claim 47 recites, in part, the following subject matter: “storing data read from said extension headers in said cache when said cache failure count exceeds a predetermined threshold” (emphasis added). This subject matter finds support in the specification, for example, in paragraph [0023].

Newly added independent claim 48 recites, in part, the following subject matter: “when said verifying fails, performing said classifying again with information from an upper-layer header of said packet” (emphasis added). This subject matter finds support in the specification, for example, in paragraph [0024].

Independent claims 47 and 48 also recite subject matter related to unpredictable flows, similar to the subject matter recited in independent claim 36. As noted above, this subject matter finds support in the specification, for example,

in paragraph [0022]. As agreed during the interview on January 22, 2009, Beier and Soirinsuo do not disclose, suggest, or teach this subject matter. Therefore, Applicant respectfully submits that claims 47 and 48 are allowable over the references of record.

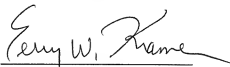
CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

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In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.

A handwritten signature in cursive script, appearing to read "Terry W. Kramer", written over a horizontal line.

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Date: March 3, 2009

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